

PLANNING & ZONING COMMISSION REGULAR MEETING JUNE 13, 2017

Present: Regular members David Colbert, Jill Cutler, Peter Kalmes, James LaPorta, Anna Timell, alternate members Virginia Potter and Benjamin Gray, and LUA/ZEO and Commission clerk Karen Griswold Nelson.

Absent: Regular member Stephen Saccardi and alternate Dermot Woods.

Chairman David Colbert called the meeting to order at 7:05AM. Alternate member Ginny Potter was seated for regular member Steve Saccardi and Ben Gray for Anna Timell until her arrival.

Continued Public hearing:

SP#241 – Sp#241 Naison Mastrocola/applicant owner– Special Permit for a detached accessory apartment – Section 8.10 – “Apartment uses in Residential Zones” – Mohawk Mountain Road/Assessor’s Parcel F06-01-05.

The entire proceedings were recorded on audio tape and are available in Town Hall.

The following documents were referenced as part of the record:

- A copy of the application as found on file in the Land Use office (and available electronically by request to the Land Use office) containing a written narrative and site plan entitled “Septic System Feasibility Plan prepared for Naison Mastrocola by William Colby dated 12/16/2016
- Torrington Area Approval referencing the Colby mapping cited.
- The legal notice as published in the Waterbury Republican on May 3 and May 6, 2017.

Note was made by staff that due to an error in noticing to abutting neighbors, the hearing had been continued to June 13th so as to have Receipts of certified mailings to abutting neighbors. The receipts were noted as now being part of the record.

Timell in at 7:15

The floor was opened to the applicant/owner. Mr. Mastrocola. Mr. Mastrocola read his narrative into the record.

The floor was opened to the Commission for questions and comments.

In response to questions, staff (Griswold Nelson) addressed the subdivision lot under consideration as originally approved with 2 shared driveways and the current configuration and construction of a single shared driveway not being in compliance with that original site plan approved. It was noted that the Mastrocola lot was on the proper driveway but an existing residence and driveway (now owned by Denise Classey) was sharing the one existing driveway and now serving 3 lots. Griswold Nelson made copies of subsequent subdivision plans filed on the Land Records and part of the file that showed changes to the subdivision, including lot line adjustments. Note was made that the current inland wetlands regulations were not in effect at the time of the original subdivision and that standards had changed that would impact the original design approved. Note was made that the surveyors pins confirmed the site development as existing. Note was made that the site plan did not show the required two parking spaces for the accessory apartment but that there was adequate room for the two spaces.

The floor was opened to the public for comment.

Denise Classey, 83 Mohawk Mountain Road, raised concerns regarding the impact of the new proposed development, and in particular the location of the septic systems and well, to her property, It was noted that the file contained approved septic Torrington Area Health approval that showed compliance with all current standards. Ms. Classey raised concerns regarding noise during the site development process with input from staff that noise from clearing and construction was part of all site development with no set hours for work. Questions were raised regarding the shared driveway configuration with input from staff that the construction of the second driveway was not being considered due to the potential environmental impact and the sharing of the driveway between the three parties was best left for the property owners to manage.

Marilyn Artushenia, 101 Mohawk Mountain Road, stated that she was in attendance to learn about the site development near her and welcome Mr. Mastrocola to the neighborhood.

Hearing no other comments or questions;

Motion made by Mrs. Timell, seconded by Mr. LaPorta, to close the public hearing at 7:45PM; unanimously approved.

Motion made by Mrs. Timell, seconded by Mr. LaPorta, to move agenda item 4 prior to all other business; unanimously approved.

4. PENDING APPLICATIONS.

Sp#241 Naison Mastrocola/applicant owner- Special Permit for a detached accessory apartment – Section 8.10 – “Apartment uses in Residential Zones” – Mohawk Mountain Road/Assessor’s Parcel F06-01-05.

After discussion:

Motion made by Mr. LaPorta, seconded by Ms. Cutler to approve **Sp#241 Naison Mastrocola/applicant owner- Special Permit for a detached accessory apartment – Section 8.10 – “Apartment uses in Residential Zones” – Mohawk Mountain Road/Assessor’s Parcel F06-01-05** as per the oral and written testimony of the applicant, including the narrative and the site plan, entitled “Septic System Feasibility Plan prepared for Naison Mastrocola by William Colby dated 12/16/2017 subject to the addition of two parking spaces and turn-around to the revised plan needed as part of final permitting. As part of the approval, the Commission determined that the Special Permit Application complied with all the criteria of **Article 8 - Section 10 – “Accessory Apartments”**, satisfied the Site Plan Criteria as prescribed in Article VI and has satisfied the General standards for all special exceptions as well as the specific standards for apartment uses in residential zones. Motion unanimously approved.

1. APPLICATIONS FOR ZONING PERMITS.

ZP#1013 – Carroll Dunham and Laurie Simmons - Change of use (second floor) from storage to art studio for Private use only/no commercial use – 44 Jewell Street. Permit approved.

ZP#1014- Jeffrey and Cheryl Cass - Construction of a 14’ x 28’ one story accessory structure for storage- No plumbing, no living space. Permit approved.

ZP#1015- Oscar Shammanian owner/Rafe Churchill applicant – Modifications and additions to a single family residence – 91 Town Street. Permit approved.

2. APPROVAL OF MINUTES. January planning meeting, May 9, 2017 meeting.

Motion made by Mr. Gray, seconded by Mr. Kalmes to approve the minutes of the May 9th meeting as presented; unanimously approved.

3. NEW APPLICATIONS: None.

5. CORRESPONDENCE AND COMMUNICATIONS RECEIVED.

6. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION

7. LUA/ZONING OFFICER’S REPORT.

8. PLANNING WORKSHOP to include but not limited to discussion of the Zoning and or subdivision regulations in compliance with the recommendations in the Town Plan of C&D, report from the Economic Development subcommittee and other zoning/subdivision regulatory matters.

The Commission agreed with Chairman Colbert’s suggestion that the Forum that will kick off the Town Plan Update be held at CCS on September 23.

Colbert shared with the Commission highlights from May and June meetings at Town Hall with Gordon Ridgway, Jocelyn Ayers, Janet Saunders and Maggie Cooley.

Among topics covered were the upcoming Forum; accessory apartment sizes and the possibility of dropping the owner occupied regulation for multiple family rentals and home business use. The Commission agreed with Colbert’s suggestion that he write to Tom McGowan to ask for his thoughts on the above.

Motion made by Mr. Kalmes, seconded by Mr. LaPorta to adjourn at 8:45pm

Respectfully submitted

Karen Griswold Nelson